

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kevin Richardson,
a.k.a. Daniel Beard,

Petitioner

v.

Kyle Olson,

Respondent

Case No.: 2:22-cv-01887-JAD-VCF

**Order Denying Motion for Amended
Information and Instructing Petitioner to
file an Amended Petition and Notice of
Change of Address**

[ECF No. 7]

On September 22, 2022, *pro se* Petitioner Kevin Richardson filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 in the United States District Court for the Southern District of California.¹ That court dismissed Richardson’s petition without prejudice, instructing him to pay the \$5 filing fee before November 14, 2022, to have the case reopened.² Richardson timely paid the \$5 filing fee.³ The Southern District of California then transferred the case to this court because Richardson is “an inmate in custody at Northern Nevada Correctional Center” and appears to challenge “a state court conviction that occurred in the Eighth Judicial District Court in Clark County, Nevada.”⁴

Because Richardson is in the custody of the Nevada Department of Corrections under a state-court judgment of conviction, the only proper basis for his claims is 28 U.S.C. §

¹ ECF No. 1.

² ECF No. 3.

³ ECF No. 4.

⁴ ECF No. 5-1.

1 2254.⁵ Because he filed instead a § 2241 petition, Richardson has not filed his petition on the
 2 appropriate form.

3 Richardson has also filed a motion for “the court to administer, as proper, [an] amended
 4 information of Petitioner’s merits.”⁶ The court denies that motion as premature. The envelope
 5 attached to the motion shows that Richardson is currently located at High Desert State Prison,⁷
 6 but the docket shows that he is located at Northern Nevada Correctional Center.⁸

7 IT IS THEREFORE ORDERED that Petitioner Kevin Richardson’s motion for the Court
 8 to administer an amended information [ECF No. 7] is **DENIED**.

9 IT IS FURTHER ORDERED that **on or before March 27, 2023, Petitioner must** (1)
 10 **FILE** an amended petition on the § 2254 form, label it “Amended Petition” and place the case
 11 number, 2:22-cv-01887-JAD-VCF, in the designated space; **and** (2) **UPDATE** his address by
 12 filing a notice of change of address. **If Petitioner fails to timely comply with this order, this**
 13 **case will be dismissed without prejudice and without further prior notice.**

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 19 ⁵ See *White v. Lambert*, 370 F.3d 1002, 1005–07 (9th Cir. 2004), *overruled on other grounds by*
Hayward v. Marshall, 603 F.3d 546, 555 (9th Cir. 2010) (en banc).

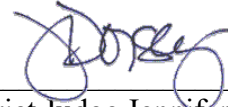
20 ⁶ ECF No. 7.

21 ⁷ *Id.* at 7.

22 ⁸ This district’s local rules require all parties, including habeas petitioners, to immediately file
 23 with the court written notice of any change of address. LR IA 3-1, LR 2-2. The Local
 Rules also warn that failure to comply may result in dismissal of the action, with or without
 prejudice, or other sanctions as the court deems appropriate. *Id.*; see also *Carey v. King*, 856 F.2d
 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court
 apprised of any changes in his mailing address.”).

1 The Clerk of the Court is instructed to **SEND** Petitioner—via courtesy copy to the High
2 Desert State Prison—(1) a blank copy of the form petition for a writ of habeas corpus pursuant to
3 28 U.S.C. § 2254 along with instructions **and** (2) a copy of this order.

4 Dated: February 23, 2023



U.S. District Judge Jennifer A. Dorsey